IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 244/2006

RAM LAL Vs. STATE OF RAJASTHAN & ORS.

Date of order: 19.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Yunus Khan for the complainant-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.
Mr. Pankaj Gupta for the accused-respondents.

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The present revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the judgment dated 31.01.2006 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Jaipur in Sessions Case NO. 147/2005, whereby the accused-respondents have been acquitted from the offence punishable under Sections 3(1)(X) & 3(1)(XI) of the SC/ST (Prevention of Atrocities) Act and have been convicted under Section 323 in the alternative under Section 323/34 IPC but they have been given the benefit of probation under Section 4 of the Probation of Offender Act and imposed a fine of Rs. 250/- each as compensation under Section 5 of the Probation of Offenders Act.

I have considered the rival submissions of the respective parties and have also carefully perused the relevant record as well as the impugned judgment.

The prosecution and the complainant are not able to prove the offence under Sections 3(1)(X) and 3 (1)(XI) of the SC/ST (Prevention of Atrocities) Act against the accused-respondents, therefore, they have rightly been acquitted from the aforesaid charges. The independent witnesses have also not corroborated the story of the prosecution, but case under Section 323 in the alternative under Section 323/34 IPC is made out against the accused-respondents for which they have been convicted but are given the benefit of probation under Section 4 of the Probation of Offenders Act and imposed a fine of Rs. 250/- each as compensation.

I find no illegality in the impugned judgment dated 31.01.2006 and the same requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/